



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,573	03/29/2004	Mark Thomas	6488P008	3693

8791 7590 05/20/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

NEILS, PEGGY A

ART UNIT	PAPER NUMBER
----------	--------------

2875

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

EJ

Office Action Summary	Application No. 10/812,573	Applicant(s) THOMAS ET AL.	
	Examiner Peggy A. Neils	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 21, 23-48, 50-62 is/are rejected.
- 7) ☒ Claim(s) 20, 22, 49 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12, 15, 18, 19, 23- 29, 34-42, 45, 48, 50-56, 59 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Aichele.

Aichele shows an illuminated vehicle wheel which includes at least one light source 26 positioned in the center of the wheel on a protruding hub 28. The light source is shielded by a cap 74 which preferably has a reflective surface at 76. Light from the light source enters light conducting portion (projector) 90 which functions as a fiber optic conductor (see col. 6, line 16). The disclosure states that light is emitted in a predetermined pattern adjacent wheel 12. Light conducting member is readable as a waveguide.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 13, 14, 16, 17, 30-33, 43, 44, 46, 47, 57, 58, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aichele.

To coat the surface of the wheel is a design choice depending on the material of the wheel and how much natural reflection is provided by the surface. The prior art shows many arrangements for lighting on a wheel. Aichele teaches providing the lighting system at the center of the wheel. To orient the lighting system differently would depend on the desired lighting appearance and would not affect the operation of the device.

Claims 1 and 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dai.

Dai shows in Figure 1, an illuminated wheel wherein two lights 218 are positioned in one direction that would permit light to be reflected outward away from the structure of the wheel and two lights positioned in an opposite direction which would not reflect light outward.

Allowable Subject Matter

Claims 20, 22, 49 and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claims 20, 49 and 63 all contain the limitation that a portion of the light is directed through a micro-optic prism array sheet collimating layer. This combination of limitations was not suggested or taught by the prior art.

Art Unit: 2875

Claim 22 is considered to have allowable subject matter because Claim 22 sets forth that the additional light assemblies are operated independently of the one or more light assemblies. This combination of limitations was not shown or suggested by the prior art.

Conclusion

Any questions regarding this Office action should be directed to Examiner Neils at (571) 272-2377.



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800